CAD 097 854 541
3A-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Certified Mail No.
Return Receipt Requested

Ken Copeland
Plant Manager
Exide Technologies
2700 South Indiana Street
Vernon, CA 90058

Re: Warning Letter and Certification of Violation Correction for Exide Technologies

Dear Mr. Copeland:

On July 22, 2008, a hazardous waste inspection was conducted by a representative of the United States Environmental Protection Agency (EPA) at Exide Technologies, located in Vernon, CA with EPA identification number CAD 097 854 541. During the course of this inspection, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), as amended [42 U.S.C. § 6927(a)].

A copy of the inspection report is enclosed for your information. The report describes conditions at the facility at the time of the inspection, and identifies areas of noncompliance with RCRA regulations and potential violations of the State of California authorized program under RCRA Subtitle C and potential non-RCRA state violations. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

The facility's responses during the inspection and subsequent to the inspection adequately address the violations of the federally authorized RCRA program identified during the inspection. This letter documents the facility's return to compliance with the regulation cited in the inspection report.

By copy of this letter, the EPA is providing the State of California with notice of the referenced violations of RCRA Subtitle C and any non-RCRA, California-only violations. The State of

MAIL CODE	WST-3	WST-3				
SURNAME	Polek	Holloway	Hennen			
DATE	9/29/09	10-07-09	10/25/09			

US EPA CONCURRENCES OFFICIAL FILE COPY

California may notify the EPA of its intent to assume or decline responsibility to take appropriate action to resolve the referenced RCRA Subtitle C violations or non-RCRA, California-only violations.

The EPA routinely provides copies of inspection reports to state or tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

Exide Technologies should continue to take the necessary steps to maintain and ensure compliance with all applicable Federal and local environmental requirements. If you have questions related to technical aspects of the inspection report or this letter, please contact James Polek of my staff at (415) 972-3185.

Sincerely,

Loren Henning, Manager
RCRA Enforcement Office

Enclosure

cc: Charles McLaughlin, DTSC (w/o enc.)
Linda Johnson, City of Vernon CUPA (w/o enc.)
4305 Santa Fe Ave
Vernon, CA 90058

CAD 097 854 541
3A-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 30, 2008

Certified Mail No. 7007-2560-0001-7660-9116
Return Receipt Requested

Ken Copeland
Plant Manager
Exide Technologies
2700 South Indiana Street
Vernon, CA 90058

Re: Warning Letter and Certification of Violation Correction for Exide Technologies

Dear Mr. Copeland:

On July 22, 2008, a hazardous waste inspection was conducted by a representative of the United States Environmental Protection Agency (EPA) at Exide Technologies, located in Vernon, CA with EPA identification number CAD 097 854 541. During the course of this inspection, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), as amended [42 U.S.C. § 6927(a)].

A copy of the inspection report is enclosed for your information. The report describes conditions at the facility at the time of the inspection, and identifies areas of noncompliance with RCRA regulations and potential violations of the State of California authorized program under RCRA Subtitle C and potential non-RCRA state violations. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

The facility's responses during the inspection and subsequent to the inspection adequately address the violations of the federally authorized RCRA program identified during the inspection. This letter documents the facility's return to compliance with the regulation cited in the inspection report.

By copy of this letter, the EPA is providing the State of California with notice of the referenced violations of RCRA Subtitle C and any non-RCRA, California-only violations. The State of California may notify the EPA of its intent to assume or decline responsibility to take appropriate action to resolve the referenced RCRA Subtitle C violations or non-RCRA, California-only violations.

The EPA routinely provides copies of inspection reports to state or tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this

inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

Exide Technologies should continue to take the necessary steps to maintain and ensure compliance with all applicable Federal and local environmental requirements. If you have questions related to technical aspects of the inspection report or this letter, please contact James Polek of my staff at (415) 972-3185.

Sincerely,

Loren Henning, Manager
RCRA Enforcement Office

Enclosure

cc: Charles McLaughlin, DTSC (w/o enc.)
Linda Johnson, City of Vernon CUPA (w/o enc.)

CAD 097 854 541
3A-1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

WASTE MANAGEMENT DIVISION
RCRA ENFORCEMENT OFFICE
RCRA COMPLIANCE EVALUATION INSPECTION REPORT

Purpose:	RCRA Compliance Evaluation Inspection
Facility:	Exide Technologies
Location:	2700 South Indiana Street, Vernon, CA 90058
EPA ID Number:	CAD 097 854 541
Date of Inspection:	July 22, 2008
EPA Representatives:	James Polek RCRA Enforcement Officer (415) 972-3185
Facility Representatives:	Ken Copeland Plant Manager (323) 262-1101 x275 (323) 262-8531 (Fax) Ed Mopas Environmental Manager (323) 262-1101 x259
Report Prepared By:	James Polek
Report Date:	September 4, 2008

Introduction

On July 22, 2008, a U.S. Environmental Protection Agency (EPA) representative conducted an unannounced site inspection of the Exide Technologies (Exide) facility in Vernon, CA. The purpose of the inspection was to determine Exide's compliance with applicable federal environmental statutes and regulations, and in particular, the Resource Conservation and Recovery Act (RCRA), as amended, the regulations provided in the Code of Federal Regulations (CFR), Chapter 40, Parts 261-265, 268, and 279, and the California Code Regulations (CCR), Title 22, Division 4.5 and the California Health and Safety Code, Division 20.

Exide is operating under the provisions of the Draft Part B RCRA Permit issued by the Department of Toxic Substances Control (DTSC) on June 30, 2006.

The inspector conducted a physical inspection of the facility and reviewed records related to Exide's hazardous waste management practices. This inspection report summarizes the events that transpired during the inspection, observations made by the inspectors, and facility documentation received after the inspection.

Facility Background

Facility Name	Exide Technologies
Established	Name changed to Exide Technologies in November 2001. Facility has been operating since 1922 under previous owners.
Number of Employees	100-120
Hours of Operation	24/7
Size	24 acres
Filed Notification of Hazardous Waste Activity	April 14, 1990 (as GNB Inc.) August 19, 2001 (as Exide Technologies)
Facility Processes	Exide is a secondary lead smelter that receives spent lead acid batteries (SLAB) as its primary source material along with minor amounts of lead scrap. The SLABs are cracked and the plastic, acid, and lead are separated. The plastic is sent off-site for recycling and the acid is neutralized and sent through the wastewater treatment unit. The lead battery plates, lead oxide in the batteries, and the lead oxide from the wastewater treatment unit are fed to the smelter. This material is first fed to the reverberatory furnace. Any slag from the reverb furnace is fed to the blast furnace; blast furnace slag is put back through the blast furnace until the lead concentration in the slag is low enough for the slag to be a non-hazardous waste. Lead ingots and blocks are the final product.
Waste Streams	Exide adopts a conservative approach regarding waste and assumes that any SLAB packing material, worker booties, and disposable coveralls are hazardous waste because of lead content (D008). Plastic from the battery casings are sent off-site and recycled into new battery casings.

	Wastewater treatment sludge (lead oxide) is sent to the smelter. Non-hazardous waste from smelting process is shipped off-site.
Facility Status	Treatment Storage Disposal (TSD) facility and Large Quantity Generator (LQG)
Last Inspection	According to EPA's RCRAInfo database, a RCRA compliance evaluation inspection was conducted by the Department of Toxic Substances Control (DTSC) on April 30, 2008.

Facility Inspection

The inspector was given a tour of the facility by Mr. Ed Mopas. The following tables summarize the areas inspected and the potential violations found in the satellite accumulation areas (SAA) and the hazardous waste storage areas.

Wastewater Treatment Unit

Location	Container Type	Waste Type	Potential Violation
Sludge Holding Tank	7,000 gallon tank	Lead sludge from wastewater treatment is pumped to raw materials processing system	None

Central Container Storage Building

Location	Container Type	Waste Type	Potential Violation
Accepted Raw Material Staging Area	Approximately 225 pallets of SLABs (**Photo 1**)	SLABs received and accepted by Exide are stored here awaiting processing in the smelter	None
Southwest Corner of Storage Building	4 – 9,000-gal settling tanks	All storm water and dust suppression water is pumped to these tanks. Solids and liquids are pumped to the wastewater treatment unit for processing.	None
Storm Water Retention Pond (south of storage building)	2.8 million gallon pond	Empty and no longer receiving facility run-off.	None
Asphalt in front of building (**Photo 2**)	NA	The areas between the buildings are covered in asphalt	**Area of Concern –.** The asphalt has a number of cracks that could be pathways for lead migration into the underlying soil.

Photo 1 – SLABs in Central Container Storage Building

Photo 2 – Cracked asphalt paving between buildings

Garage

Location	Container Type	Waste Type	Potential Violation
Storage Shed Outside of Garage	1 – 55-gallon container	Motor oil filters	None
	1 – 55-gallon container	Air filters	None
	5 – 55-gallon containers	Oil and water	**One container was open**
	1 – 55-gallon container	Empty	None

Yard

Location	Container Type	Waste Type	Potential Violation
Open storage in southwest corner of property	1 – 55-gallon container	Used oil – about 1 inch at bottom of drum	**Open and unlabeled container**

Raw Material Process System (RMPS) Building

Location	Container Type	Waste Type	Potential Violation
Outside of southwest corner of RMPS Building	1 – 40-cubic yard roll-off bin (**Photo 3**)	Lead debris (D008)	**Unlabeled container**
Southwest entrance to RMPS Building	NA	Battery cracking – lead, acid, and plastic separated for processing	None
Reverbatory Furnace Feed Room	NA	Lead sludge from wastewater treatment unit is stored in this room and is sent by conveyor belt through a furnace to reduce moisture to about 14% before being fed into reverberatory furnace	None

Photo 3 – Unlabeled 40-cubic-yard roll-off bin of lead debris (D008)

Smelter Building

Location	Container Type	Waste Type	Potential Violation
Reverberatory Furnace	NA	Lead and lead oxide is fed to reverberatory furnace to recover lead	
Blast Furnace	NA	Slag from reverberatory furnace is fed to blast furnace for lead recovery. Slag from blast furnace is fed back through furnace until enough lead has been recovered so that the slag is no longer hazardous. **(Photos 4 and 5)**	None

Photo 4 – Molten lead from blast furnace

Photo 5 – Stack of finished product: 2,000 pound blocks of lead

Record Review

Reviewed the following records:

- Manifests from 2006 through 2008
- Land Disposal Restriction Notifications
- Closure/Post Closure Plan
- Financial Assurance for Closure and Liability
- 2003 – 2007 Biennial Reports
- Quarterly Groundwater Monitoring Reports
- Waste Analysis Plans
- Waste Analytical Records
- Contingency Plan
- Part B RCRA Permit
- Training Plan and Records
- Daily Inspection Logs

The records were in good order and were complete with the following three exceptions: 1) missing notification for hazardous waste imported from Exide Canada, 2) missing documentation of completed training, and 3) incorrect contact information in the contingency plan. These three deficiencies are discussed below in more detail.

1) Exide imports SLABs from Exide Canada, their sister facility in British Columbia, Canada. In order to import hazardous waste legally into the United States, Exide Canada needs to follow a notification and consent process between EPA and the Environment Canada. A portion of the notification includes an estimate of the amount of hazardous waste to be exported for a period not exceeding a year. A new notification must be filed if exports continue beyond a year. Exide Canada's two most recent notifications are for the time periods from October 30, 2006 through October 29, 2007 and from January 9, 2008 through January 8, 2009; they did not file a notification for the period from October 30, 2007 through January 8, 2008. However, according to the manifests, Exide received six shipments of hazardous waste from Exide Canada in November 2007. Exide Canada violated RCRA import regulations for these six shipments. As a receiving facility for imported hazardous waste, Exide is required to notify DTSC at least four weeks prior the arrival of the waste. Notification was not sent to DTSC for these shipments.

2) During the inspection, the documentation that employees had received the training outlined in the training plan was not available for inspection because the administrator of the records had left for the day. Exide provided this documentation to EPA two weeks after the inspection.

3) The contingency plan did not include current phone numbers and addresses for emergency coordinators. Exide provided an updated contingency plan to EPA two weeks after the inspection.

Potential Violations of RCRA Hazardous Waste Requirements

1. Failure to label hazardous waste containers properly, 22 CCR §66262.34(f) [40 CFR §262.34(a)].

Requirements:

As stated in California regulation 22 CCR §66262.34(f)(1), generators who accumulate hazardous waste on-site without a permit shall have the date accumulation begins clearly marked on the container and visible for inspection. As stated in California regulation 22 CCR §66262.34(f)(3), these containers must also be clearly marked with the words "Hazardous Waste," and labeled with the composition and physical state of the waste, hazardous properties, and facility name and address.

Findings:

Outside the southwest corner of the RMPS Building was a 40-cubic-yard roll-off bin containing lead debris that was unlabeled. The facility representative indicated that the roll-off bin is filled and shipped off site once to twice a week and that the bin is labeled prior to transporting off site. The inspector explained to the facility representative the requirement for a hazardous waste label to be on the bin when waste accumulation begins in the bin.

Facility Response:

Two weeks after the inspection, Exide provided a photograph documenting that the roll-off bin is now properly labeled.

2. Failure to provide notification prior to receiving imported hazardous waste, 22 CCR §66265.12(a)(1) [40 CFR §265.12(a)(1)].

Requirements:

As stated in California regulation 22 CCR §66265.12(a)(1), The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify DTSC and EPA in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

Findings:

Exide did not send a notification to DTSC and EPA for the recent SLAB imports from Exide Canada. It is possible that, in the past, a notification was sent for SLABs imported from Exide Canada, which would satisfy the notification requirement. However, no copy of such notification was provided during the record review.

Facility Response:

Two weeks after the inspection, Exide provided a copy of a notification dated May 5, 2008 indicating that SLABs were to be received from Exide Canada. This notification satisfies the requirements for shipments after June 2, 2008 (4 weeks from the notification), as long as there are no changes in the foreign source or type of waste.

3. Failure to have adequate training records as required by 22 CCR § 66265.16 [40 CFR §265.16]

Requirements:

California regulation 22 CCR §66262.34(a)(4) indicates that an LQG may accumulate hazardous waste on-site for 90 days without a permit provided that the generator complies with the requirements in 22 CCR §66265.16. As required in 22 CCR §66265.16(c), the facility personnel shall take part in an annual review of their initial hazardous waste management training.

Findings:

During the inspection, Exide was unable to provide documentation of annual review training for their personnel.

Facility Response:

Two weeks after the inspection, Exide provided documentation of hazardous waste management training for their personnel.

4. Failure to have a current contingency plan as required by 22 CCR § 66265.52 [40 CFR §265.52].

Requirements:

California regulation 22 CCR §66262.34(a)(4) indicates that an LQG may accumulate hazardous waste on-site for 90 days without a permit provided that the generator complies with the requirements in Article 4 of Chapter 15. As required in Article 4 (22 CCR §66265.52(c)), the contingency plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. As required in Article 4 (22 CCR §66265.52(d)), the contingency plan shall list names, addresses, and phone numbers of all persons qualified to act as emergency response coordinator. As required in Article 4 (22 CCR §66265.52(e)), the contingency plan shall include a list of all emergency equipment at the facility. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Findings:

Exide's contingency plan needs to be revised to include the emergency response coordinators' home addresses and phone numbers.

Facility Response:

Exide provided an updated copy of the contingency plan a two weeks after the inspection.

Potential Violations of non-RCRA, California-only Hazardous Waste Requirements

1. Failure to close hazardous waste containers in satellite accumulation area, 22 CCR §66265.173(a).

Requirements:

As stated in California regulation 22 CCR §66262.34(e), generators may accumulate as much as 55-gallons of hazardous waste at or near any point of generation provided that they comply with 22 CCR §66265.173(a). As stated in California regulation 22 CCR §66265.173(a), a container holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste.

Findings:

- One 55-gallon container of oil and water (CA 223) in storage shed adjacent to the Garage did not have its lid secured.
- One 55-gallon container of what appears to be used oil (CA 221) in the southwest corner of the facility property was left open. About an inch of liquid was in the container.

Facility Response:

Two weeks after the inspection, Exide provided photographs documenting that the lid was secure on the container in the shed and that the contents of the container in the corner of the property was consolidated into an appropriate container in the shed. The oil and water (CA 223) was manifested off site on July 25, 2008.

2. Failure to label hazardous waste containers in satellite accumulation area, 22 CCR §66262.34(e)(1).

Requirements:

As stated in California regulation 22 CCR §66262.34(e)(1), generators may accumulate as much as 55-gallons of hazardous waste at or near any point of generation provided that the initial date of waste accumulation is clearly marked and visible for inspection, and that the generator complies with subsection 22 CCR §66262.34(f)(3). Subsection 22 CCR §66262.34(f)(3) requires that the container be clearly marked with the words "Hazardous Waste," and the container is labeled with the composition and physical state of the waste, hazardous properties, and facility name and address.

Findings:

- One 55-gallon container in the southwest corner of the facility property was unlabeled. About an inch of liquid was in the container and it appears to be used oil (CA 221).

Facility Response:

Two weeks after the inspection, Exide provided a copy of the manifest documenting that the used oil was sent off site on July 25, 2008.

Areas of Concern

The areas between the buildings are covered in asphalt (Photo 2). The asphalt has a number of cracks that could be pathways for lead migration into the underlying soil. The facility conducts regular water spraying of the asphalted areas to control dust, which may contain lead; the area is then cleaned with a street sweeper. The water from dust suppression is collected in the street sweeper and transferred to the wastewater treatment unit. The facility repairs obvious asphalt cracks, but capital expenditures are focused on maintenance of the building's concrete floors because these floors are in close or direct contact with the lead and acid from the SLABs.

According to the facility representatives, the floors of the buildings are ten-inch-thick concrete. Exide conducted maintenance on the smelter floor in June 2008. They have repairs and recoating scheduled for the third quarter of 2008 on the floor of the RMPS battery cracking area. In the fourth quarter of 2008, Exide is scheduled to repair and/or replace the floors in the wastewater treatment area and the mud tank row area.